

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

THE CITY OF DETROIT'S REPLY IN SUPPORT OF ITS MOTION *IN LIMINE* TO EXCLUDE TESTIMONY OF ALEXANDRA SCHWARZMAN

Throughout its Response to the City's Motion *In Limine*, Syncora never answers the real question: Why is it relevant, to the decision this Court must make, whether or not the City ever entered into an NDA with Syncora? Syncora argues – without any basis whatsoever – that Ms. Schwarzman's testimony “suggests that the City refused to consider alternative proposals from Syncora that might have been better than those offered by the Swap Counterparties.” Response at 4-5.

Syncora attempts to conflate the fact that City did not sign an NDA with the conclusion that the City refused to consider Syncora's proposals. Ms. Schwarzman testified to nothing of the sort. Rather, her testimony confirms the

irrelevance of the NDA, or lack thereof, since Syncora made its proposal to the City without one. Dep. Tr. at 136-37. Ms. Schwarzman never suggested that the City refused to consider Syncora's proposal; indeed, it appears that she has no percipient knowledge in that regard at all. *See* Schwarzman Dec. ¶ 2.

Rather than taking up more of the Court's limited time on this issue, which is fully set forth in the City's moving papers, the City instead refers the Court to its initial brief and respectfully urges the Court not to allow Syncora to waste the time of the Court and the parties with this witness.

Dated: December 10, 2013 Respectfully submitted,

Thomas F. Cullen, Jr.
Gregory M. Shumaker
Geoffrey S. Stewart
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001.2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
tfcullen@jonesday.com
gshumaker@jonesday.com
gstewart@jonesday.com

/s/ Deborah Kovsky-Apap
Robert S. Hertzberg
Deborah Kovsky-Apap
PEPPER HAMILTON LLP
4000 Town Center, Suite 1800
Southfield, MI 48075
Telephone: (248) 359-7300
Fax: (248) 359-7700
hertzbergr@pepperlaw.com
kovskyd@pepperlaw.com

**ATTORNEYS FOR THE CITY OF
DETROIT**